

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, OCTOBER 6, 2020 – 7:00PM
REGULAR MEETING
DRAFT MINUTES FOR COMMISSION CONSIDERATION
Virtual Meeting

Call to Order

Chairman Donna Corbin-Sobinski called the meeting to order at 7:00 P.M.

Roll Call

Commissioner Higley took the roll and present were Chairman Donna Corbin-Sobinski, Commissioners Kevin Zorda, Virginia Higley and Alternate Commissioners Marie Pynzar and Robert Hendrickson. Absent were Commissioners Carrie Howe, Marcy Taliceo and Robert Chagnon.

Also present were Savannah-Nicole Villalba, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Chairman Corbin-Sobinski seated Alternate Commissioners Hendrickson and Pynzar.

Correspondence

Chairman Corbin-Sobinski thanked Ms. Villalba for the application status report the Commission had received. She went on to state that the Commission had received a notice from the Society of Soil Scientists of Southern New England.

Ms. Villalba stated that additional correspondence had been received from Lisa Mariakakis of The Pond and Lake Connection, stating that Crescent Lake will be treated on the 8th.

Approval of Minutes

Motion: Commissioner Zorda made a motion, seconded by Commissioner Pynzar, to approve the minutes of the September 16, 2020 Regular Meeting.

The motion passed with a 5-0-0 roll call vote.

Votes: 5-0-0

Report of Development Services/Planning Staff

Ms. Villalba asked if the Commission would like to discuss the meeting schedule. The Commission decided to discuss it at the end of the meeting.

New Applications to be Received

- a. **IW# 617** – 25 Hazard Avenue – Application for a permit to construct a new 10,197 square foot AAA building with associated site improvements on the property known as 25 Hazard Avenue as referenced on the site plans dated July 6, 2020 and revised through August 28, 2020. Paramount Commons at Enfield, LLC; Owner; AAA Club Alliance, INC. Applicant; Ken Chapman, Applicant Representative; Map 045 / Lot 0008; BR Zone. (DoR: 10/06/2020).

Chairman Corbin-Sobinski stated that this came before the Commission previously and was approved under #596. Ms. Villalba explained that since the orientation is entirely different, it is going in under a new number so the differences are clear and everything is as clean as possible. She stated that the old application is still on file at the Planning Department. Chairman Corbin-Sobinski asked if the old application references IW# 617, to which Ms. Villalba replied that it will show as being connected but it is a separate orientation and site plan.

David Ziaks of F.A. Hesketh & Associates and Ken Chapman were present before the Commission on behalf of the applicant. Mr. Ziaks shared a presentation of the plan for the proposed AAA Building at Enfield Commons. He stated that the replacement of the restaurant next to Olive Garden had been approved and will start construction next month.

Mr. Ziaks stated that this application is for a AAA to replace the one on Elm Street. He stated that the previous plan had the building turned in a north-south orientation and contained a complicated underground chamber system to deal with flood compensation. Mr. Ziaks explained that the construction costs for this ended up being too high to be absorbed by the project, so they were asked to come up with a more cost-effective approach.

Mr. Ziaks stated that they are now proposing the re-orientation of the building and removal of 100 parking spaces in the northeast corner of the site in order to add a flood compensation area. He stated that this flood compensation area will be vegetated with conservation mix and will also act as a water quality basin. Mr. Ziaks stated that this will still leave ample parking onsite.

Mr. Ziaks showed a layout plan to illustrate the driveways and traffic flow onsite as well as the proposed building and flood compensation area. He pointed out the new fire lanes that are being installed to accommodate the concerns of the Fire Marshal.

Mr. Ziaks utilized a color rendering to illustrate the planned landscaping for the site. He went over the utility and drainage plans and described where the new catch basins and hydrodynamic separator will be located. Mr. Ziaks stated that discharge will go into the new flood compensation area, which will act as a water quality basin for that runoff. He stated that with this plan there is an increase in green space as well as improvement to water quality.

Mr. Ziaks stated that the building and most of the parking changes in this plan are outside of the limit of the 200-foot regulated area.

Commissioner Zorda pointed out that the Fire Department had requested no parking along the old Bob's building as it is a fire lane. Mr. Ziaks explained that this is a dated comment, and since the ART meeting they were able to reach a compromise with the Fire Marshal with this new plan.

Commissioner Zorda stated that the plan is great as it reduces the impervious area and will reduce flooding.

Chairman Corbin-Sobinski stated that this plan will make the area look attractive. She stated that they are only receiving the application today and cannot vote or act on it.

- b. **IW# 618** - 16 Crescent Beach Drive – Application for a permit to demolish an existing +/- 1,000 square foot home and construct a new single family home as referenced on the Site Plans provided by the applicant on the property known as 16 Crescent Beach Drive;

Ms. Villalba provided the Commission with an overview of the application, stating that the area of disturbance in the upland review area is going to be about 7,850 SF. She stated that the USDS soil survey lists the soil onsite as excessively well drained soil type, and the applicant is before the Commission as they are right on the lake.

Ms. Villalba stated that according to the Town Engineer and the Zoning Enforcement Officer, the agency has required silt fencing and hay bales in the past for sedimentation control. She asked if the applicant is looking to clear any trees on the property, to which Mr. Foss replied that they are not.

Ms. Villalba went over the site-specific conditions on the application.

Ms. Foss stated that they have lived on the lake for 35 years and they want to do what is correct and acceptable. Mr. Foss stated that the current house was built in 1917 and is non-conforming, and the new house will be conforming.

Commissioner Zorda suggested that the applicant should use silt sacks in the catch basins, to which Mr. Foss replied that the soil is all sand and drains through but they will definitely do that.

Chairman Corbin-Sobinski stated that the Commission is receiving the application tonight and cannot vote or act on it.

Agent Approvals

- a. **AAA# 125** – 10 Duff Drive - Application for a permit to construct a 12' x 22' single story single bay addition as referenced on the plot plan provided by the applicant dated September 4, 2020; Brian Embacher, Owner; Map 068/Lot 0009; R-33 Zone. (DoR: 10/06/2020).

Ms. Villalba provided the Commission with a run-down of the application, stating that the applicant is before the Commission as they are within 100 feet of the wetlands boundary. She stated that there are no site-specific conditions and the situation is pretty cut and dry.

- b. **IW# 613**- 50 Hazard Avenue aka 10 Hazard Avenue - Modification of IW# 613 for the construction of a single story +/-6,725 square-foot building expansion with associated improvements located on the property known as 50 Hazard Avenue aka 10 Hazard Avenue; Equity One (Northeast Portfolio) LLC c/o Michael Lai, Owner, Applicant; David Gagnon, Applicant Representative; Map 56 / Lot 0022; BR Zone. (DoR: 10/06/2020).

David Gagnon was present before the Commission.

Ms. Villalba stated that a DPN was filed for this application at the June 16, 2020 meeting, and it was Agent Approved on July 22, 2020. She stated that there were some concerns from the Deputy Fire Marshal, which the application had addressed. Ms. Villalba pointed out that there will be a reduction

of impervious coverage, which is a very positive thing to see. She stated that the proposed renovations are not taking place in the functional wetlands and this area has been concrete for a significant amount of time.

Commissioner Higley suggested a revision to the naming of applications like this in the future, since it is for a modification to something that had already been approved, so the history of the parcel can be kept intact.

The Commission discussed scheduling for the next meeting. Ms. Villalba stated that the applications received tonight can be motioned on at the first meeting in November, which is Election Day. Commissioner Higley asked about the second October meeting, to which Ms. Villalba replied that they do not have the legal opinion from the Town of Enfield yet.

Commissioner Higley stated that she had done a lot of research comparing the regulations to the state regulations and statutes. She stated that she was not able to find any reference to not being allowed to act within the 15 days. Ms. Villalba explained that they cannot start counting until the day after the date of receipt, which would make the meetings only 13 days apart rather than the required 15 full days.

Ms. Villalba stated that most towns only meet once a month to avoid this problem. Commissioner Higley stated that the Commission regulations and bylaws say two meetings per month, so they would all need to be rewritten if the Commission only met once a month. Ms. Villalba stated that this is how she and Director of Development Services Laurie Whitten and many planners in their profession interpret it. She stated that if the Commission would like to meet and act on the 20th without the legal opinion that is within their purview, but until the legal opinion is obtained she will show discretion.

Commissioner Higley asked if the Town Attorney is a wetlands attorney and if not, when the Commission can obtain the opinion of a wetlands attorney. Ms. Villalba stated that the town will only pay for legal opinion from the Town Attorney, and Maria is a Land Use Attorney.

Commissioner Zorda asked if the Commission has to receive applications at a meeting, to which Commissioner Pyznar replied that they do. Commissioner Zorda stated that this has never been an issue in the time he has been a Commissioner.

Commissioner Higley stated that for years the Commission has done two meetings with voting at the second meeting. She suggested that the Commission just have the regular meeting and the Town Attorney can jump in. Ms. Villalba stated that she is trying her best to obtain the legal opinion and if the Commission would like to meet on the 20th and act then she will fall in line. She stated it is part of her job to let the Commission know when they could be in violation of statutory requirements.

Chairman Corbin-Sobinski pointed out in the regulations where the 14 days are referenced, in regard to Public Hearings. Commissioner Higley pointed out that most of their applications are not Public

Hearings. Ms. Villalba stated that if there ever was an instance where someone wants a petition period, statutorily they have to give them that time which is why most towns only meet once per month.

Commissioner Higley stated that they are supposed to be user-friendly but this makes applicants wait a month instead of two weeks. Ms. Villalba went over the options available to the Commission, stating for the record that going forward without legal opinion could be statutorily incorrect.

Commissioner Higley stated that the Commission would have to go back and re-do every one they have ever done, to which Ms. Villalba replied that they would not have to go back and they would only have to do it correctly moving forward.

Chairman Corbin-Sobinski stated that the Commission should just act on the applications on the 20th as they have been doing. Commissioner Higley agreed that they should do this until they get something from the Town Attorney telling them why it is not legal. Ms. Villalba stated that she would like the record to show that she is questioning the statutory legality.

Commissioner Zorda asked what Ms. Whitten's take is, to which Ms. Villalba replied that Ms. Whitten feels the same way.

Commissioner Zorda stated that they could always make it an agent approval, to which Commissioner Higley replied that there are limits to agent approvals. Ms. Villalba stated that this process is more expensive and inconvenient for applicants.

Commissioner Pyznar stated that she can attend a Special Meeting on October 21, but she will not be present at the November 3 meeting since it is election night.

Ms. Villalba stated that they will request the Town Attorney give them the legal opinion. Following additional scheduling discussion, the Commission decided to have a Special Meeting on October 21. Chairman Corbin-Sobinski stated that there will not be a quorum for the meeting on November 3.

Commissioner Zorda stated that he does not understand why they are missing so many people. He stated that they should write a letter to the Town Council as they have not seen some members in a very long time.

Chairman Corbin-Sobinski suggested that they have a meeting on November 4 instead of November 3. Ms. Villalba stated that she would reach out to the applicant to see if they are ok with waiting until the second meeting in November, and if not they can have a meeting on November 4. She stated that she will cancel the October 20 meeting and add a Special Meeting for October 21. Ms. Villalba stated that she will also cancel the November 3 meeting as there will not be a quorum.

Commissioner Pyznar stated that Ms. Villalba is doing a great job, to which the other Commissioners agreed.

Adjournment

Motion: Commissioner Zorda made a motion, seconded by Commissioner Pyznar, to adjourn.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Virginia Higley, Secretary